

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

PHILLIP DOUGLAS JACOBS,	:	
Petitioner,	:	Case No. 3:11cv00029
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
WARDEN, Marion Correctional	:	
Institution,	:	<b>Report and Recommendations<sup>1</sup></b>
	:	
Respondent.	:	

Petitioner's Motion to Alter or Amend District Court Judge's Decision (Doc. #6) and Petitioner's Amended Motion to Alter or Amend District Court Judge's March 7, 2011 Order (Doc. #7) lack merit for the reasons previously detailed in the Report and Recommendations and Entry and Order. (Doc. #s 2, 4).

**IT IS THEREFORE RECOMMENDED THAT:**

1. Petitioner's Motion to Alter or Amend District Court Judge's Decision (Doc. #6) and Petitioner's Amended Motion to Alter or Amend District Court Judge's March 7, 2011 Order (Doc. #7) be DENIED; and
2. The case remain terminated on the docket of this Court.

March 15, 2011

s/Sharon L. Ovington  
Sharon L. Ovington  
United States Magistrate Judge

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<sup>1</sup> Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

## NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).